

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)	CIVIL ACTION
)	No. 96-10804-DPW
)	
LIBERTY MUTUAL INSURANCE)	1:04-CV-10655-DPW
COMPANY,)	(Boarhead Site)
)	
Plaintiff,)	
)	1:04-CV-10968-DPW
v.)	(Uniontown Site)
)	
)	
THE BLACK & DECKER)	
CORPORATION, BLACK & DECKER,)	
INC., BLACK & DECKER (U.S.))	
INC., EMHART CORPORATION,)	
and EMHART, INC.,)	
)	
Defendants.)	
)	

**ASSENTED-TO MOTION OF LIBERTY MUTUAL INSURANCE
COMPANY TO FILE UNDER SEAL ITS RESPONSE TO BLACK &
DECKER'S STATEMENT OF MATERIAL FACTS AND ITS
MEMORANDUM ALL IN OPPOSITION TO BLACK & DECKER'S
MOTION FOR SUMMARY JUDGMENT WITH RESPECT TO
THE BOARHEAD AND UNIONTOWN SITES**

Pursuant to Local Rule 7.2, plaintiff, Liberty Mutual Insurance Company ("Liberty Mutual"), hereby moves for leave to file under seal its Response to Black & Decker's Statement of Material Facts ("Liberty Mutual's Response"), and its Memorandum, all in Opposition to Black & Decker's Motion for Summary Judgment with Respect to the Boarhead and Uniontown Sites, because said documents contain references to other documents which were produced by

defendants, The Black & Decker Corporation, et al. ("Black & Decker"), on a confidential basis pursuant to the Confidentiality Order in this lawsuit.

As grounds for this Motion, Liberty Mutual states as follows:

1. In Liberty Mutual's Response and Memorandum, Liberty Mutual makes reference to certain documents which were produced on a confidential basis by Black & Decker pursuant to the Confidentiality Order in this case. The parties have agreed to maintain the confidentiality of such documents in any filings with the Court.

2. Accordingly, Liberty Mutual files this Motion to protect the allegedly confidential nature of the Black & Decker documents which, otherwise, would be available for inspection and copying by the general public.

3. Liberty Mutual files this Motion in good faith, and not for the purpose of delay. Black & Decker will not be prejudiced in any manner by Liberty Mutual's request, which is intended to protect Black & Decker's asserted confidentiality interests.

4. Accordingly, pursuant to Local Rule 7.2, Liberty Mutual requests that the Court enter an Order authorizing the sealing of Liberty Mutual's Response and Memorandum, all in Opposition to Black & Decker's Motion for Summary Judgment with Respect to the Boarhead and Uniontown sites.

5. Liberty Mutual requests that the Court maintain Liberty Mutual's Response, Affidavit and Memorandum under seal until this action is closed. At that

time, Liberty Mutual requests that Liberty Mutual's Response and Memorandum be returned to the undersigned counsel.

6. Black & Decker assents to this Motion to file Liberty Mutual's Response and Memorandum under seal.

WHEREFORE, Liberty Mutual Insurance Company respectfully requests that the Court grant this motion and require that Liberty Mutual's Response, and Memorandum, all in Opposition to Black & Decker's Motion for Summary Judgment be kept under seal, and for such other and further relief as this Court deems just and proper.

**LIBERTY MUTUAL
INSURANCE COMPANY**

By its attorneys,

/s/ Janice Kelley Rowan
Ralph T. Lepore, III (BBO #294420)
Janice Kelley Rowan (BBO #265520)
HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116
(617) 523-2700

Dated: December 9, 2004

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that pursuant to Local Rule 7.1, I spoke with Richard L. Binder, counsel for Black & Decker, on December 9, 2004, and he agreed that this motion could be filed with the assent of the defendants.

/s/ Janice Kelley Rowan

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2004, I caused a copy of the foregoing Assented to Motion to be served by hand upon Jack R. Pirozzolo, Esq., counsel to defendants, at Willcox, Pirozzolo & McCarthy, P.C., 50 Federal Street, Boston, MA 02110.

/s/ Janice Kelley Rowan

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